

HUMAN SERVICES BOARD

In re) Fair Hearing No. 21,044
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Appeal of)

The petitioner appeals the decision by the Department for Children and Families, Economic Services finding him eligible for Food Stamps effective September 1, 2007 instead of August 1, 2007. The issue is whether the Department correctly applied the pertinent regulations in determining the petitioner's date of eligibility.

1. Prior to July 2007 the petitioner lived with his wife and her two children and received Food Stamps as one of four members of his wife's household. His wife had income and was the designated head of the household for Food Stamp purposes. Based on the household's income, it received \$20 a month in Food Stamps.

2. The Department received an application for Food Stamps from the petitioner as a single person household on July 30, 2007. (The application was dated July 27, 2007.) Neither the petitioner nor anyone else in the petitioner's

wife's household had notified the Department of any change in the composition of that household prior to that date.

3. In early August 2007 the Department notified the petitioner that he was eligible for Food Stamps of \$155 a month effective September 1, 2007. The petitioner was found ineligible for August 2007 because he had been included in the payment of Food Stamps to his wife's household for that month. At a hearing held on September 24, 2007, the petitioner maintained that he had left his wife's household in late June 2007.

ORDER

The Department's decision is affirmed.

REASONS

Under the Food Stamp regulations benefits are payable to a "household", which can include a single person or family groups. W.A.M. § 273.1(a). There is no provision in the regulations, and common sense dictates otherwise, that any individual can be a member of more than one household at the same time.

Households are required to report any changes that could affect eligibility and payment levels within ten days. § 273.12(a). The Department is required to take "prompt

action" on any reported changes and to give any affected household at least ten days advance notice of any adverse action concerning its Food Stamps. § 273.12(c).

It is clear under the above provisions that the Department could not have removed the petitioner as a member of his wife's household for the August 2007 payment of Food Stamps to that household unless the petitioner, or someone else in that household, had reported the petitioner's moving out prior to July 20, 2007. Given the petitioner's application date of July 30, 2007, and absent any claim on his part of a violation of any reporting requirements by his wife, there is no question that the Department acted in accord with the regulations in not finding the petitioner eligible as a single person household until September 1, 2007. Thus, the Board is bound by law to affirm that decision. 3 V.S.A. § 3091(d), Fair Hearing Rule No. 17.

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